

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

GLENN ALANN PEARCE,)	
Plaintiff,)	
)	
v.)	Civil No. 3:16cv78 (HEH)
)	
CAROLYN W. COLVIN,)	
Acting Commissioner of Social Security,)	
Defendant.)	
)	

REPORT AND RECOMMENDATION

This matter comes before the Court pursuant to 28 U.S.C. § 636(b)(1)(B) on Defendant's Motion to Remand (ECF No. 13). Having reviewed Defendant's submission, and because Plaintiff has failed to file a response, the Court recommends that Defendant's Motion to Remand (ECF No. 13) be GRANTED.

On February 9, 2016, Glenn Alann Pearce ("Plaintiff") filed his Complaint (ECF No. 3) pursuant to 42 U.S.C. § 405(g) for review of the final decision of the Social Security Administration denying his application for Disability Insurance Benefits and Supplemental Security Income under Titles II and XVI of the Social Security Act.. Defendant filed her Answer (ECF No. 7) to Plaintiff's Complaint on April 11, 2016. Plaintiff filed her Motion for Summary Judgment (ECF No. 11) on June 10, 2016. Thereafter, on July 8, 2016, Defendant filed her Motion to Remand (ECF No. 13) after determining that Plaintiff's case requires further evaluation of the record and re-evaluation of Plaintiff's disability. Plaintiff has not filed his response to Defendant's Motion to Remand to date.

Defendant moves the Court to remand Plaintiff's case under sentence four of 42 U.S.C. § 405(g). Under a "sentence four" remand, the Court has the power "to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision the Commissioner of Social Security, with or without remanding the cause for a rehearing." 42 U.S.C. § 405(g). A remand granted under sentence four of 42 U.S.C. § 405(g) constitutes a final judgment and terminates the civil action. *Shalala v. Schaefer*, 509 U.S. 292, 298-99 (1993). Plaintiff received adequate notice of Defendant's Motion to Remand and failed to offer a response. Therefore, the Court finds that Plaintiff does not contest Defendant's Motion.

For the reason set forth above, this Court recommends that Defendant's Motion to Remand (ECF No. 13) be GRANTED and Plaintiff's Complaint (ECF No. 3) be DISMISSED with prejudice.

Let the clerk forward a copy of this Report and Recommendation to the Honorable Henry E. Hudson and all counsel of record.

NOTICE TO PARTIES

Failure to file written objections to the proposed findings, conclusions and recommendations of the Magistrate Judge contained in the foregoing report within fourteen (14) days after being served with a copy of this report may result in the waiver of any right to a de novo review of the determinations contained in the report and such failure shall bar you from attacking on appeal the findings and conclusions accepted and adopted by the District Judge except upon grounds of plain error.

/s/ 
David J. Novak
United States Magistrate Judge

Richmond, Virginia
Date: August 3, 2016